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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN

UNITED STATES OF AMERICA,

Plaintiff,

v.

D-1 DEVIN LUIS FACUNDO, and
D-2 NICHOLAS RYAN THORNTON,
a.k.a. NICHOLAS GARZA,

Defendants.

Case: 1:23-cr-20458
Judge: Ludington, Thomas L.
MJ: Morris, Patricia T.
Filed: 08-09-2023 At 02:27 PM
SEALED MATTER (tt)

INDICTMENT

THE GRAND JURY CHARGES:

FILED

AUG 09 2023

U.S. DISTRICT COURT
BAY CITY, MICHIGAN

COUNT ONE

Conspiracy to Possess with Intent to Distribute and to Distribute Fentanyl
21 U.S.C. §§ 846 and 841(a)(1)

D-1 DEVIN LUIS FACUNDO, and
D-2 NICHOLAS RYAN THORNTON, a.k.a. NICHOLAS GARZA

From a date unknown to the Grand Jury, but since at least March of 2022, and continuing to on or about July 11, 2022, in the Eastern District of Michigan and elsewhere, DEVIN LUIS FACUNDO and NICHOLAS RYAN THORNTON, a.k.a. NICHOLAS GARZA knowingly and intentionally conspired, confederated and agreed together and with each other, and with other persons, unknown to the grand jury, to possess with the intent to distribute and to distribute a mixture or substance containing a detectable amount of N-phenyl-N-[1-(2-phenylethyl)-4-piperidinyl]

propenamide, commonly known as “Fentanyl,” a Schedule II controlled substance, in violation of Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(C).

FORFEITURE ALLEGATION

The allegations contained in Count One of this Indictment are hereby re-alleged and incorporated by reference for the purpose of alleging forfeiture pursuant to Title 21, United States Code, Section 853(a).

Pursuant to Title 21, United States Code, Section 853, upon conviction of an offense in violation of Title 21, United States Code, Section 841, the defendant shall forfeit to the United States: (1) any property, real or personal, constituting, or derived from, any proceeds obtained, directly or indirectly, as the result of such offense; and (2) any property used, or intended to be used, in any manner or part, to commit, or to facilitate the commission of, the offense.

Dated: August 9, 2023

THIS IS A TRUE BILL

s/Grand Jury Foreperson
GRAND JURY FOREPERSON

DAWN N. ISON
United States Attorney

s/Anthony P. Vance
ANTHONY P. VANCE
Assistant United States Attorney
Chief, Branch Offices
600 Church Street
Michigan 48502-1280
Phone: (810) 766-5177
anthony.vance@usdoj.gov
P61148

s/William Orr
WILLIAM ORR
Assistant U.S. Attorney
101 First Street, Suite 200
Bay City, Michigan 48708-5747
Phone: (989) 895-5712
william.orr@usdoj.gov
Texas Bar No: 24102308

Companion Case information MUST be completed by AUSA and initialedUnited States District Court
Eastern District of Michigan**Criminal Case Cover Sheet**

Case Number

23 - 20458

NOTE: It is the responsibility of the Assistant U.S. Attorney signing this form to complete it accurately in all respects.

Companion Case Information	Companion Case Number:
This may be a companion case based upon LCrR 57.10 (b)(4) ¹ :	Judge Assigned:
<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	AUSA's Initials: WO

Case Title: USA v. Devin Luis Facundo et al**County where offense occurred:** Bay County**Check One:** ☒ **Felony** ☐ **Misdemeanor** ☐ **Petty** Indictment/ Information --- **no** prior complaint. Indictment/ Information --- based upon prior complaint [Case number:] x Indictment/ Information --- based upon LCrR 57.10 (d) [Complete Superseding section below].**Superseding Case Information****Superseding to Case No:** _____**Judge:** _____

- ☐ Corrects errors; no additional charges or defendants.
- ☐ Involves, for plea purposes, different charges or adds counts.
- ☐ Embraces same subject matter but adds the additional defendants or charges below:

Defendant name**Charges****Prior Complaint (if applicable)****Please take notice that the below listed Assistant United States Attorney is the attorney of record for the above captioned case.**

Date: August 9, 2023



William Orr

Assistant United States Attorney

101 First Street, Suite 200, Bay City, MI 48708

Phone: 989-895-5712

Fax: 989-895-5790

E-Mail address: William.Orr@usdoj.gov

Attorney Bar #: Texas 24102308

¹ Companion cases are matters in which it appears that (1) substantially similar evidence will be offered at trial, (2) the same or related parties are present, and the cases arise out of the same transaction or occurrence. Cases may be companion cases even though one of them may have already been terminated.